

R E M A R K S

Claims 1-40 were originally filed and new claims 41 and 42 have been added. Claims 18-23 were previously withdrawn from consideration and have now been cancelled. Claims 5-6, 12 and 34-35 also have now been cancelled. The Examiner has allowed claims 7-10 and 27 and 36-40. Therefore, claims 1-4, 11, 13-17, 24-26, 28-33 and 41-42 are at issue in this response. Claims 1, 24 and 28 are in independent format. In this response, claims 1, 15 and 24 have been amended and claims 41 and 42 are cancelled.

Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claims 1, 4, 13 and 24 under 35 U.S.C. §102(b) as being allegedly anticipated by the newly cited *Pomerleau* U.S. Patent No. 5,091,780 ("*Pomerleau*"). The Examiner contends that the *Pomerleau* reference, at Fig. 2, element 42; column 5, lines 61 to column 6, line 1, teaches the claim 1 limitation of a memory configured to store a reference image and identified change blocks in the memory.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 2-3, 11, 14, 17, 25 and 33 under 35 U.S.C. §103(a) as being allegedly unpatentable over *Pomerleau*. The Examiner further rejected claim 26 over *Pomerleau*, in view of *Burt* (cited in a previous Office Action); claims 15, 28-32 and 41-42 over *Pomerleau* in view of *Winter* (also cited in a previous Office Action); and claim 30 under Official Notice. The Examiner contends that the *Winter* reference, at column 2, lines 39-61 and column 8, lines 14-67, teaches the limitation of claims 28 and 41-42 in that the memory is accessed to retrieve the video images simultaneously with digital signals stored therein, the memory being accessed at any desired location representing a time of interest whereby video

images stored in the memory do not need to be sequentially scanned to locate a video image of interest.

In the current Office Action of February 8, 2006, the Examiner rejected the claim 1 and claim 24 limitations of the memory being configured to store the reference image and the identified changed blocks in the memory under the newly cited *Pomerleau* reference. In a May 8, 2006 telephone discussion with the Examiner, Applicants submitted that the claims stand allowable based on the previous allowed subject matter and the Applicants' earlier arguments with respect to the *Seeley* reference. Additionally, the Applicants argued that claims 28 and 41-42 are allowable over the *Winter* reference. The Examiner stated he would need to review the file history of the current application and the file history of the parent application (U.S. Serial No. 09/356,129). In a May 11, 2006 telephone discussion, the Examiner stated he had reviewed the current and parent file histories. Based on his review, the Examiner stated that claims 1 and 24 would be allowable if the claims incorporated the subject matter of claims 41 and 42 respectively. In this response, Applicants have amended claims 1 and 24 to incorporate the allowable subject matter of claims 41 and 42.

A prima facie case of anticipation is established when the Examiner provides a single reference that teaches or enables each of the claimed elements (arranged as in the claim) expressly or inherently as interpreted by one of ordinary skill in the art. In the present application, the Applicants submit that a prima facie case of anticipation has not been established. Applicants submit that claims 1, 24 and 28 and its respective dependent claims particularly point out and distinctly claim the invention, and that the invention is neither taught nor suggested by the cited references.

Furthermore, Applicants state that, under M.P.E.P. § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation for success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations. Applicants submit that claims 1, 24 and 28, and their respective dependent claims, particularly point out and distinctly claim the invention, and that Applicant's invention as set forth in the claims is neither taught nor suggested by the cited references.

With respect to the current Office Action, the *Pomerleau* reference, and claims 1 and 24, Applicants respectfully submit that Fig. 2 of the *Pomerleau* reference teaches a video recorder; while column 5, lines 65-column 6, line 1 of the *Pomerleau* reference teaches a security system that stores an image that correlates to an alarm condition. The *Pomerleau* reference does not teach storing a reference image and the identified changed blocks in the memory. As such, the *Pomerleau* reference does not anticipate or render obvious the storage limitation as recited in claims 1 and 24 (and claims 7-10 and 27). Furthermore, as previously noted, claims 1 and 24 have been amended to incorporate the allowable subject matter of claims 41 and 42.

With regard to claim 38, Applicants submit that the rejected limitation of the processor compressing the changes prior to storage is similar to the allowed limitation set forth in claims 9 and 10 of this application and comprising applying a compression algorithm prior to storage. Although claim 38 currently stands allowed, based on its dependency from allowed independent claim 36, Applicants respectfully submit that the *Adiletta* reference does not teach the limitation of claim 38. The cited teachings of *Adiletta* at column 11, lines 30-44 disclose equation

parameters for applying a filter to video data. The *Adiletta* reference teaches increasing the available transmission bandwidth for data transmission (column 15, lines 34-41 and column 38, lines 9-15). As such, the bandwidth teachings of *Adiletta* do not render obvious the storage compression of identified changes/differences as set forth in claims 9, 10 and 38 of the present application.

With respect to the rejections of claim 28, 41-42 under the *Winter* reference, the Examiner contends that the *Winter* reference teaches the memory being accessed to retrieve a video image simultaneously with stored signals, and the image processor accessing the memory at any desired memory location representing a time of interest so as not to have to sequentially scan a plurality of video images to locate a video image of interest (column 2, lines 39-61, and column 8, lines 14-67). The cited teachings of *Winter* disclose preventing video override and storing video data. In particular, the *Winter* reference teaches the determination of whether data stored in a pre-alarm stage is relevant to an alarm condition (column 2, lines 39-50; column 8, lines 38-52). Thus, after the alarm condition exists, the system of the *Winter* reference monitors which cameras are relevant to the alarm condition. In contrast, the present application allows retrieval of video images simultaneously with the stored digital images as recited in claims 28, and 41-42. As such, the teachings of the *Winter* reference cannot and do not render obvious the limitations of claims 28, 41-42. As previously noted, based on the Applicants' argument and the Examiner's review of the current file history and the parent file history, the Examiner allowed the subject matter of claims 41 and 42, and claim 28 includes this subject matter.

The Applicants respectfully traverse the Examiner's Official Notice rejections.

Dependent claims, by their nature, include all of the limitations of the parent independent claims and any intervening claims from which they depend. Claims 2-4, 11, 13-17, 23-26 and

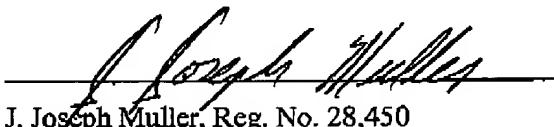
29-33 depend directly or indirectly from independent claims 1, 24 and 28, and accordingly, are believed allowable, for at least the same previous reasons as independent claims 1, 24 and 28.

For at least the foregoing reasons, claims 1-4 11, 13-17, 24-26 and 28-33 are believed to be in condition for allowance. Issuance of a Notice of Allowance with respect to the claims is thus respectfully requested. If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted.

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